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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,571	09/15/2003	James J. Porebski	depie0903div	9735

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EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,571

Applicant(s)

POREBSKI ET AL.

Examiner

M. Scott Lowe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Newly submitted claims 13-15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the current application is a divisional of an application in which an restriction and election without traverse was made. Applicant's original claims in the current case were drawn to a different species than the newly added claims 13-15.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-15 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US 1,256,688).

Re claim 1, Hall teaches a method of removing and supporting an object (pole attachment or tree limb in the figures) connected to an object extension (pole or tree in the figures), said method comprising:

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removably attaching a swingarm assembly (not numbered) around an object extension (pole or tree in the figures), said swingarm assembly having a swingarm 15 rotatably supported by a channel member 10,30,22,23,17 having a retaining sleeve 13 to receive said swingarm 15 and a system securing member (various, 29, 26 or 33, etc.) removably attached to said channel member wherein said system securing member connects to said channel member forming a capture opening wherein said capture opening is adapted to surround said object extension;

positioning said swingarm 15 over said object;

connecting said swingarm 15 to said object (pole attachment or tree limb in the figures);

disconnecting said object from said object extension; and

pivoting said swingarm 15 about said swingarm assembly and moving said object away from said object extension.

Re claim 2, Hall teaches connecting said swingarm to a length proximate to said object.

Re claim 3, Hall teaches inserting said swingarm 15 into a retaining sleeve 13, 19 of said swingarm assembly.

Re claims 4,11, Hall teaches re-pivoting said swingarm 15 about said swingarm assembly and moving said object adjacent said object extension (support structure), re-connecting said object to said object extension (support structure) and disconnecting said swingarm from said object.

Re claims 5,12, Hall teaches removing said swingarm assembly (not numbered) from said object extension (support structure) (pole or tree in the figures).

Re claim 6, Hall teaches a method of supporting and removing an object (pole attachment or tree limb in the figures) from a support structure (pole or tree in the figures), said method comprising:

attaching a removable swingarm retainer assembly (not numbered) having a swingarm 15 rotatably supported by a channel member 10,30,22,23,17 having a swingarm sleeve 13 to receive said swingarm 15 and a system securing member (various, 29, 26 or 33, etc.) removably attached to said channel member wherein said system securing member connects to said channel member forming a capture opening wherein said capture opening is adapted to attach around said support structure;

inserting a swingarm 15 into a swingarm sleeve 13,19 of said removable swingarm retainer assembly;

attaching an object support assembly (not numbered) to said swingarm 15;

positioning said swingarm wherein said object support assembly is adjacent said object;

securing said object support assembly to said object;

disconnecting said object from said support structure; and

pivoting said swingarm about said swingarm sleeve moving said object away from said structure.

Re claim 7, Hall teaches positioning a U-shaped retaining member 22,23,29,17 around said support structure and securing a channel member 10,30,22,23,17 having said swingarm sleeve to said U-shaped retaining member.

Re claim 8, Hall teaches positioning first and second channel members 10,30,22,23,17 about said support structure and attaching a pair of retaining members

29 or 22,23 etc., between said first and second channel members wherein said support structure is between said first and second channel members and said pair of retaining members.

Re claim 9, Hall teaches a jaw appendage (various, 29,18, edges of 10, etc.) on a surface of one of said first and second channel members wherein said jaw appendage is in contact with said support structure when said swingarm retainer assembly is attached to said support structure.

Re claim 10, Hall teaches another jaw appendage (various, 29,18, edges of 10, etc.) on a surface of the other of said first and second channel members wherein said another jaw appendage is in contact with said support structure when said swingarm retainer assembly is attached to said support structure.

Conclusion

Applicant's arguments filed 12/8/04 have been fully considered but they are not persuasive.

Applicant argued that Mayfield does not teach the current claim limitations. However, since Mayfield was not used to reject any of the claims applicant's arguments are not convincing.

Assuming that applicant meant Hall rather than Mayfield, the arguments are still not persuasive. Applicant argued that Hall does not teach a capture opening as found in the current application. However, Hall as shown in the figures clearly shows a capture

opening as claimed. It is also pointed out that "capture opening" can mean many things and thus the channel bar 10 meets its corresponding claim limitations.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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